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From: W. B. Johnson <ab6ui@gnn.com>
To: A16.A16(rm8775)
Date: 5/8/96 4:38pm
Subject: internet telephony

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

I am strongly opposed to any petition that would limit access to information. This exchange of information may take the form of Voice as well as Video and or written communication. I feel that my rights to the free and open exchange of ideas and information will be jeopardized if this petition is approved.

Sincerely,

Brian Johnson

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
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From: Fred Kinder <fkinder@airmail.net>
To: A16.A16(rm8775)
Date: 5/8/96 4:13pm
Subject: RM No. 8775 Informal Comments

As a concerned consumer, I strongly dissent with the ACTA Petition For Declaratory Ruling, Special Relief, and Institution of Rulemaking Against: Named and Unnamed Parties. (Report No. CC 96-10) (RM No. 8775)

My basis for dissention is founded on over thirty years of personal experience involving computer hardware, computer software, and telecommunications systems. I presently function as an independent consultant in each of these areas on a daily basis. I have, in the past, owned and operated a company (Mason-Kinder, Inc. 1982-1986) which was certified as a "Common Carrier" by the FCC and USPS.

First, the named parties, to the best of my knowledge, are not in my opinion Telecommunications Carriers. These named companies offer no wireline or wireless services or connections to such services, be they traditional telephone services or Internet-related services. These companies are traditional software developers, publishers, distributors and vendors whose software products just happen to facilitate voice communications over the Internet.

Second, in my opinion, the granting of a Software License to use Copyrighted Software (which is the principle product and business of each of the Named Companies) cannot be regulated by the FCC, since that authority is granted by Congress under Article I, Section 8, of the United States Constitution to the Copyright Office of the Library of Congress under Title 17 United States Code, Chapter 7 Section 701.

Third, I do not dispute the authority of the FCC to regulate the transmission of signals over the Internet, however, I believe the ACTA Partition's intent is to assert that the FCC has the authority to regulate the (human-interpreted) content of signals over the Internet, without respect to the context of those signals. In layman's terms, it appears that ACTA wants to prohibit telephony, "voice" or "audio" signals, but does not care (at this time) about FCC regulation of "video" or "raw-data" signals. My point is this, without the context added by computer software, these three different types of signals are indistinguishable by humans. Furthermore, the ACTA Petition specifically addresses "long distance service" but does not limit its petition to voice telephony. This begs a number of questions: What about voice-mail via the Internet? What about fax transmissions via the Internet? What about batch and real-time data transmissions via the Internet? What about video transmissions via the Internet? What about video-conferencing via the Internet? And on and on... Sooner or later, ACTA can assert that these activities are not in the public interest because ACTA members may loose revenue when these signal representations are delivered over the Internet.

Fourth, ACTA members (or member-eligible companies) already derive revenues from use of the Internet, irrespective of the signal content. ACTA members own and operate, for a profit, the Internet backbone and the local connections upon which the Internet is dependent.

Conclusion: This ACTA Petition is an attempt by ACTA and its members, to suppress free-market enterprise and foster a monopoly for traditional telephony communications providers, to the detriment of the consumer. Let the consumer make a choice. Traditional telephony services will continue to provide higher quality voice telephony at a premium price, while the Internet packet-switching network will provide lesser quality voice telephony at a lower price. I believe the American consumer should have that choice.

-- Fred Kinder
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Do not forget to call
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From: Les Vogel <lesv@angeltech.com>
To: A16.A16(rm8775)
Date: 5/8/96 3:30pm
Subject: Re: No. 8775

MAY 8 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

<fontfamily><param>Palatino</param><bigger><bigger> Thank you for the opportunity to comment on the ACTA Petition: THE PROVISION OF INTERSTATE AND INTERNATIONAL INTEREXCHANGE TELECOMMUNICATIONS SERVICE VIA THE "INTERNET" BY NON-TARIFFED, UNCERTIFIED ENTITIES.

When I first heard of this petition, I thought of how absurd it would seem if we looked back to the invention of the automobile, and how the carriage and buggy whip manufactures might of re-acted in todays business climate. Clearly, they would have been upset, and asked for the government to "grant special relief to maintain the status quo". And knowing, what we know now, we can see that had that relief been granted, it would have been a serious blow to society and business as a whole. The old saying goes, "build a better mouse trap, and people will beat a path to your door."

Internet voice traffic is not a better Mouse Trap at this time. But stifling development will make sure that it never becomes one.

I am not a user of Internet "phone" mechanisms, but I would like to be when the technology develops in the future. As far as I can tell, the recipient of a call must either be connected permanently to the net, or have pre-arranged a time for a call. Hardly a convenient choice.

Calls on the Internet are not "Free" as described by the ACTA, as a consumer of Internet service, I know I pay for bandwidth. The more bandwidth I need, the more money it costs me. If I choose to use that bandwidth for two-way voice communications, I'm still paying for it. If I'm not mistaken, many ACTA members are providers of the backbone lines that make up the internet. Won't they get money this way?

The ACTA also states that "if left unchecked, eventually create serious economic hardship on all existing participants in the long distance marketplace and the public which is served by those participants." I think thats just what happened with the break up of AT&T and deregulation of the long distance services. There was some turmoil, but we as a society have benefitted. As we will benefit from this new technology.

I ask you not to "grant special relief to maintain the status quo".</bigger></bigger></fontfamily>

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